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TAGS: [KDEM](#) [PGOV](#) [AF](#)
SUBJECT: POLITICIZED PARLIAMENT FACES CHALLENGING 2008
AGENDA

REF: A. KABUL 361
[1](#)B. 07 KABUL 1605

[1](#)1. (SBU) Summary: The Afghan Parliament considered more legislation in 2007 (ref A) than in its inaugural session. It is increasingly seen by Afghans as a vehicle to take their concerns to the government. Lower House Speaker (and presidential aspirant) Qanooni's willingness to use his position to challenge President Karzai on a number of issues, including executive prerogatives, meant Parliament focused more on political issues than on legislation. The increasingly personal Karzai-Qanooni debate resulted in frequent divisions among Qanooni supporters, Karzai supporters, and a growing number of MPs who just wanted Parliament to get on with business. With presidential and parliamentary elections looming sometime in 2009-2010, the 2008 parliamentary session will be even more contentious. This will complicate timely passage of critical legislation, including the annual budget, the revised election law, and the interim government decrees still pending parliamentary approval. For both sides, each legislative battle contributes to a larger constitutional contest between Tajiks and Pashtuns vying respectively to institute a parliamentary system of government or maintain the current presidential system. There is also a deepening struggle underway over the future of Afghanistan's constitutional order as old style warlords seek to shape the system to their purpose while a nascent group of reform-oriented politicians is beginning to emerge.

Warring Past Shapes but Doesn't Dictate Politics

[1](#)2. (SBU) Building from its first year in 2006, Parliament continued to develop as a political institution. Members put some of the issues that focused early 2006 debate behind them, including whether female and male members can sit next to one another, and now use their committees and plenary debates to address legislative issues and Afghanistan's broad political challenges. Rivalries of the past continued to define internal allegiances, but members began to divide into three groups that reflect the national political landscape. Qanooni led a broad northern-based grouping, organized

increasingly around the United Front, which he used to challenge Karzai. President Karzai opposed Qanooni through the Palace office of Parliamentary Affairs, run by Farouk Wardak, and supported by a second group of MPs. A very loosely affiliated third group of members attached to new, small, and mostly reformist parties sat between these two giants of old Afghanistan. Despite these divisions, Afghans of all stripes sat next to one another and grappled with difficult questions using not weapons, but words (and the water bottles they occasionally hurled in early 2007).

Parliament Improving but Highly Politicized

¶3. (SBU) Parliament continued to grapple with the challenge of reviewing the interim government decrees put in place prior to Parliament's inaugural session (ref A). Nearly all of the bills treated by Parliament in 2007 were revisions of decrees that defined fundamental aspects of Afghan law, such as the tax code and the bill legalizing provincial councils. The legislature considered and passed more bills during its second annual session (2007) than during its first, and avoided some of its 2006 failings, passing, for instance, the 1386 (2007-2008) national budget on time. Parliament also drafted original legislation, including a controversial bill proclaiming amnesty for all those involved in the Jihad against the Soviets, civil war, and resistance to the Taliban.

¶4. (SBU) Legislative throughput remained low in 2007, in part because of resource constraints and members' lack of technical expertise, but also because of the increasingly charged political atmosphere between Parliament and the

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Palace. Speaker Qanooni, when he was present, drove Parliament's agenda. During his absence, First Deputy Mohammad Arif Noorzai's ineffective leadership presented a striking contrast to Qanooni's successes, leading to suspicions that Noorzai, a Karzai relative by marriage, was being set up to look ineffective. Noorzai in fact lost his job in Parliament's 2008 leadership elections (septel).

Speaking for the People can be Expensive

¶5. (SBU) Ordinary Afghans increasingly saw Parliament as a conduit for expressing grievances and making demands on the government. In April, the Workers' Union of Afghanistan protested against several articles of the Labor Law bill, originally written by the Ministry of Labor with considerable input from the International Labor Organization. Discussions between Lower House members and a delegation of protest leaders assuaged protesters' concerns and informed Lower House debate on the bill. Constituents also approached members with a steady stream of demands for development projects and improved security. This led MPs to seek international assistance for projects in their provinces. Sometimes frustrated by the long and complicated international disbursement process, members highlighted that their re-election likely hinges on their ability to provide constituent services.

¶6. (SBU) The strengthening connection between members and their constituents created an expanding financial burden for members. Lower House representatives report that delegations of constituents arrive at their doorsteps in Kabul expecting to be hosted in traditional Afghan fashion. Several affluent MPs have built guest houses to host these delegations; others feel they must pay hotel bills or at least provide meals to not violate Afghan norms. Some complain that their salaries are insufficient to support a continual flow of guests, and that because they lack offices and staff to receive visiting constituents, visitors consume their time.

Parliament: Stage for Public Debate; Tug of War with Palace

¶7. (SBU) Parliament served as a forum to debate sensitive issues such as Coalition missteps and the proper role of Islam in Afghan legislation. Though discussion frequently became heated, members predominantly sought and arrived at reasoned decisions and courses of action. In early April, for example, members voiced outrage after a Coalition convoy allegedly opened fire on civilians in Nangarhar province. While some used the attack to demonstrate concern for their constituents and purview over Coalition action, the Lower House ultimately sent a fact-finding investigation to Nangarhar. The team reported that Coalition forces appropriately dealt with the transgression, and Parliament did not discuss the issue further.

¶8. (SBU) Similarly, conservative mullahs in Parliament brandished their piety during a September debate of the Passport Law bill. They argued that women cannot travel alone under Sharia law and should not be able to obtain their own passports. Ultimately the mullahs ceded to moderates' counter that obtaining passports and traveling alone are not connected.

¶9. (SBU) The Lower House also became the stage for increasingly bold United Front opposition attempts to publicly discredit Karzai's government. In May, the Lower House supported a no-confidence vote against the Foreign Minister and Refugee Minister for their "failure" to stop Iran from forcibly repatriating a large numbers of Afghan refugees (ref B). The vote focused on the ministers (Karzai dismissed the Refugee Minister; Foreign Minister Spanta kept his job), but was ultimately an effort to assert parliamentary authority over the executive. The Lower House similarly demanded that several executive branch officials

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resign in the wake of the November bombing in Baghlan, which killed six members of Parliament. In both cases, Speaker Qanooni used events as referenda to criticize Karzai's leadership.

Daily Grind Wears Members Down, Weakens Quorums

¶10. (SBU) Toward the end of 2007, many Lower House members began to tire of debates on the long list of presidential decrees and skip plenary sessions. Members' absence made reaching quorum (50 percent + 1) increasingly difficult and interfered with Parliament's operation in October and November. Weak quorums could enable minorities to control the agenda. Groups took advantage of shaky quorums on several occasions by walking out to stop voting on contentious issues, including potential overrides of two Karzai vetoes. International community work to develop Parliament's ability to draft legislation and manage an internal budget will help feed long-term popular interest in the still young institution.

Elections, Politics will Dominate 2008

¶11. (SBU) Parliament's 2008 leadership elections (septel) set the tone for a divisive and contentious year. The Lower House is divided between independents, Karzai supporters, and Qanooni's followers. The Upper House appears more united under the new Harmony group, led by Senator Hamed Gailani, but Gailani's group is a fourth faction that will pull Parliament's agenda in yet another direction. These groups will divide Parliament and Afghans in a year that the legislature is slated to consider several key bills, including the elections timing bill, the election law bill, and the 1387 budget. All these, but especially the election bills, are at the heart of the Qanooni, Karzai, and now Gailani struggle. Each politician will seek to have Parliament modify laws and approve resolutions to support

their political goals. Their singular focus on reaching the palace in 2009/10 drives their policy decisions.

Constitution, Institutions, and Tribal Politics

¶12. (SBU) At this formative phase of its political development, several fundamental issues, political and constitutional, are still playing out. First, Afghanistan's long history of tribal animosity, which has been unfolding in Kabul's institutions since the drafting of the constitution, still colors every aspect of the process. During the Constitutional Loya Jirga, well-organized Tajiks, who are strong in Afghanistan's northern regions but do not have enough votes nationwide to carry the presidency, advocated a parliamentary system that would distribute power throughout Afghanistan. Less-organized Pashtuns, who are a plurality in Afghan society, advocated for a highly centralized presidential system. Both sides are still engaged in this contest; they believe the victor will control Afghan politics for the foreseeable future. Second, the institutions of government are still defining their constitutional relationships, relative strengths, prerogatives, etc. in this tribally and politically charged atmosphere. Parliament's attempt to impeach and remove Foreign Minister Spanta last May, Karzai's refusal to comply, and the Supreme Court's ruling in the President's favor, are prime examples that would resonate with scholars of American's early experiences under the Constitution. In 2008, the United Front will likely use Parliament to force referenda on the Karzai government and assert Parliament's primacy over the executive branch. Karzai, meanwhile, will likely push back by continuing to veto bills passed in Parliament in an effort to control the institution. Finally, the less well defined, but very real, battle between the old and the new is shaping and cutting across all these issues. This is a struggle between the last 30 years of Afghanistan's history, represented by

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the warlords, and a nascent effort to define a new reformist and forward looking paradigm. The latter group is centered around Afghans with international experience, often an NGO background, but still with broad-minded deep and authentic ties to the country. More in their national outlook, this still shaping alignment has a less exclusively ethnic focus, greater comfort with balancing modern governance and institutions with traditional (tribal) structures, and readiness to move beyond the deep divisions of the last 30 years. How these various struggles interact and where they lead is anyone's guess, but it promises to be a tumultuous few years.

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